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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,964	10/28/2003	Kenji Nishimura	2003_1404A	4565
513	7590	11/17/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			FISHMAN, MARINA	
2033 K STREET N. W.				
SUITE 800			ART UNIT	
WASHINGTON, DC 20006-1021			PAPER NUMBER	
			2832	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,964

Applicant(s)

NISHIMURA ET AL.

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-13 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/28/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 1 - 13 are pending in the case and are being examined.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d); which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Senoh [US 4,525,607].

Senoh discloses a multi-directional slide switch [Figure 1 – 5] comprising:

- a case [3, 4] with an inner bottom surface, a sidewall extending from an outer surface;
- a fixed contact [16a, 117a] provided on the inner bottom surface of the case;
- a movable contact [21] disposed in the case so that one end [22a, 22b] of the movable contact is in contact with the fixed contact, wherein the movement

of the movable contact toward a center of the case is restricted by presence of retaining elements [10, 23, Figures 2, 4];

- a driver [7] movably housed in the case, the driver being urged by the movable contact to be positioned in the center of the case in an inoperative state (due to resilient design of the movable contact) and wherein the driver is adapted to push the movable contact to being the movable contact into contact with the fixed contact when the driver is slid [Figure 3];
- the driver [7] comprises a control lever [7] projecting away from the inner bottom surface and a body portion [13] is movably housed in the case.

Regarding Claim 3, an opening at the top of the case forms a guide part and the sidewalls of the projecting part [7] forms the restricting portion, and the opening restricts the restricting portion to a direction [Figure 3] when the driver is slid. Regarding Claim 4, the guide part restricts the movement of the driver to a predetermined amount to the left or right direction [Figure 3].

***Allowable Subject Matter***

5. Claims 5 – 13 are allowed.

Regarding Claim 5, prior art of record does not teach or suggest, in combination

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with the claimed elements, a fixation portion, a resilient leg with a root and a tip, and a resilient arm connecting the fixation portion and the root of the resilient leg. Regarding Claim 10, the prior art of record taken alone or in combination does not disclose the combination of limitations "a press witch section in a center of said inner bottom surface of said case, and après rod passing through said driver, said press rod disposed to be vertically movable."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sasaki et al. [US 5,901,839], Nakase et al. [US 6,479,776], Harrell et al. [US 5,735,391], Myojin [US 6,689,967], Myojin [US 6,608,263], Soma [US 5,327,162], Kobayashi et al. [US 4,475,015], and Tseng [US 5,153,401] all disclose sliding switches. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, , these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
November 8, 2004

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100